UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,993	03/30/2006	Achim Luft	1454.1696	2040

21171   7590   11/03/2008

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
NGUYEN, PHUNG HOANG JOSEPH

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
11/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-24* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *13-24* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20081030

DETAILED ACTION

1.   Applicant's amendment filed 9/18/2008 has been carefully considered and has

been entered. Claim 24 has been amended.   No new claim is added.   Claims 13-24

are still pending in this application, with claims 13 being independent.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees.   A nonstatutory

obviousness-type double patenting rejection is appropriate where the conflicting claims

are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ

644 (CCPA 1969).

        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)

may be used to overcome an actual or provisional rejection based on a nonstatutory

double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

3.   Claims 13-24 of the present application (#10/573,993) are rejected on the ground
of nonstatutory obviousness-type double patenting as being unpatentable over claims
12-22 of U.S. invention application number 10/573,974. **Although the conflicting
claims are not identical, they are not patentably distinct from each other because
claims 13-24 of the present invention are similar in scope to claims 13-24 of US
Patent No. 6,370,120 with obvious wording variation with broader limitations**. For
example:

Claim 13 of the present invention application (Serial # 10/573,993)	Claim 12 of US application (Serial # 10/573,974
A method for setting up a communication link from a first telecommunication device to a second telecommunication device via a telecommunication network, comprising: storing at least one multimedia object in the second telecommunication device, each multimedia object having a corresponding reference number; specifying an allocation map, having at least one data record, each indicating allocation of a specific call recipient to a specific reference number of a specific multimedia object; sending a connection setup request from the first telecommunication device allocated to a user to the telecommunication network, which request indicates that a communication link is	A method for setting up a communication link from a first telecommunication device over a telecommunication network to a second telecommunication device, comprising: storing in the telecommunication network multimedia objects assigned to a first telecommunication subscriber, each multimedia object having a corresponding reference number; defining an assignment mapping using at least one data set which specifies assignment of a specific call recipient to a specific reference number of a specific multimedia object; sending a connection setup request from the telecommunication device assigned to the first telecommunication subscriber to the telecommunication network which specifies

to be set up from the first telecommunication device to the second telecommunication device allocated to a second telecommunication user; determining the corresponding reference number for the first telecommunication user when communicating with the second telecommunication user, using the allocation map; transmitting a call signal to the second telecommunication device, together with display information that is a function of the corresponding reference number; and playing by the second telecommunication device a corresponding multimedia object, included in the at least one multimedia object stored in the second telecommunication device and matching the corresponding reference number, based on the display information.	that a communication link from the first telecommunication device to a second telecommunication device assigned to a second telecommunication subscriber is to be set up; determining the corresponding reference number specified for the second telecommunication subscriber based on the assignment mapping; transmitting, from the telecommunication network to the second telecommunication device, an identified multimedia object assigned to the corresponding reference number; playing back the identified multimedia object on the second telecommunication device.

From the above evidence, it is clear that the claim limitations of the present invention are clearly covered by the limitations of the US application number 10/573,974.

DETAILED ACTION

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**4.   Claims 13-24 are rejected under 35 U.S.C. 102(b) as being anticipated by
Shibao (EP 1 289 241 A1).**

As to claims 13, 17 and 24, Shibao teaches a method for setting up a
communication link *(i.e., line connection, col. 5, line 12 and fig 1, line connection
between two transceivers of calling and called station)* from a first telecommunication
device *(Fig. 1, calling-end terminal station 3)* to a second telecommunication device
(Fig. 1, called-end terminal station 5) via a telecommunication network *(Fig. 1
communication network 7)*, comprising:

storing at least one multimedia object *(i.e., animation or other types of moving
pictures adds to the traffic, col. 4, lines 15-18)*, in the second telecommunication device
*(col. 2, lines 46-51: the transmitted data and calling party information may be
transmitted from the calling–end device to the called-end device directly over the
communications network to store calling party information in advance. In this case, the
calling party information server transmits calling party information to the called-end
device in response to an instruction from calling-end device. This indicates that the
second telecommunication device does store the information)* each multimedia object
having a corresponding reference number *(i.e., When the animation as calling party
information C11 and C21 (of figs. 1 and 4) is stored, the calling party information DB91
stores frames in bitmap format, col. 13, lines 8-16; Or when the animation is stored,
may be stored using geometric patterns, Col. 13, lines 17-35. This indicates that there
is a reference number attached to frame or bitmap)*.

specifying an allocation map, having at least one data record, each indicating

allocation of a specific call recipient to a specific reference number of a specific

multimedia object *(i.e., calling party information server 9 having calling party*

information DB91 with the assignment mapping list, fig. 1);

sending a connection setup request *(i.e., a call-up, col. 1, line 11 and also steps*

1 and 2 of fig. 4) from the first telecommunication device (Fig. 1, *calling-end terminal*

station 3) allocated to a first telecommunication user *(see Abstract)* to the

telecommunication network, which request indicates that a communication link *(i.e., line*

connection, col. 5, line 12 and fig 1, line connection between two transceivers of calling

and called station) from the first telecommunication device (Fig. 1, *called-end terminal*

station 5) to the second telecommunication device allocated to a second

telecommunication user *(col. 1, line 7);*

determining the corresponding reference number *(i.e., information that matches*

the two numbers, Fig. 1, labels 92, 93 and 94; col. 15, lines 44-52) for the first

telecommunication user when communicating with the second telecommunication user,

using the allocation map *(i.e., having calling party information DB91 with the*

assignment mapping list, fig. 1)

transmitting a call signal (i.e., call-up, col. 11, line 40) to the second

telecommunication device, together with display information *(i.e., displaying characters,*

images and animation, col. 1, line 55) that is a function of the corresponding reference

number (Fig. 1, *calling party information 94);* and

playing by the second telecommunication device a corresponding multimedia

object, included in the at least one multimedia object *(i.e., animation or other types of*

moving pictures adds to the traffic, col. 4, lines 15-18), stored in the second

telecommunication device and matching the corresponding reference number, based on

the display information *(fig. 2 step 14, col. 16, lines 19-28 indicates that display*

information is set up in advance).

As to claim 14, Shibao teaches: storing the allocation map in the first

telecommunication device *(i.e., calling party information server 9 having calling party*

information DB91 with the assignment mapping list, fig. 1); and transmitting, by the first

telecommunication device to the telecommunication network *(i.e., transmitting over a*

packet network, col. 22, line 25), the corresponding reference number of the

corresponding multimedia object *(i.e., When the animation as calling party information*

C11 and C21 (of figs. 1 and 4) is stored, the calling party information DB91 stores

frames in bitmap format, col. 13, lines 8-16; Or when the animation is stored, may be

stored using geometric patterns, Col. 13, lines 17-35. This indicates that there is a

reference number attached to frame or bitmap) for the first telecommunication user

when communicating with the second telecommunication user, and wherein said

transmitting of the display information *(i.e., displaying characters, images and*

animation, col. 1, line 55) includes the telecommunication network sending the display

information that is a function of the corresponding reference number to the second

telecommunication device *(i.e., the calling end determines calling party information and*

transmits transmitted data representative of the calling party information to the called-

end device. The transmitted data may be the calling party information itself or data

which allows for identifying the calling party information, such as, identification code

(col. 2, lines 34- 39).

As to claim 15, Shibao teaches storing the allocation map *(i.e., information DB91*

with the assignment mapping list, fig. 1); in the telecommunication network, and wherein

said determining of the corresponding reference number is performed in the

telecommunication network *(i.e., As the calling party information is transmitted over the*

communications network 7 and received by the calling-party-information receiving unit

54 in the called-end terminal station 5 (S8), col. 15 60-col. 16, line 3).

As to claim 16, Shibao teaches said determining provides, in the event of a call

recipient being selected for whom there is no data record in the allocation map, a

predefined reference number of a predefined multimedia object *(i.e., there is stored no*

calling party information corresponding to both in a received-calling-party information

DB 59e in the called-end terminal station 5e, col. 26, lines 23-24).

As to claims 18-19, Shibao teaches: comparing the display information

transmitted to the second telecommunication device with any reference number of any

multimedia object allocated to the first telecommunication user stored in the second

telecommunication device *(i.e., simplifies the configuration of the called end terminal*

station 5 in comparison with the called-end terminal station 5 establishing connection to

both the calling-end terminal station 3 and the calling party information server 9, col. 19,

lines 4-8).

transmitting an update request message from the second telecommunication

device to the telecommunication network to request a network-stored multimedia object

corresponding to the display information if said comparing produces a negative result

(i.e., As the managing method of calling party information upon modification, one of the

two is employed: whether to reproduce new calling party information in response to a

user's instruction and whether to save both., col. 27, line 49-52).

As to claim 20, Shibao teaches maintaining a storage entitlement indicator

indicating whether the network-stored multimedia object of the first telecommunication

user is allowed to be stored at the second telecommunication device *(i.e., storage*

means for storing calling party information enabling a called-end device to alert to an

incoming call; and calling party information transmitting means for reading out the

calling party information from the storage means based on an instruction from a calling-

end device and transmitting the readout calling party information to the called-end

device before the called-end device accepts the call, col. 8 lines 6-14).

As to claim 21, Shibao teaches the at least one multimedia object includes at

least one of an image and tone information *(i.e., sounds or images or alert animation;*

col. 10, line 57).

As to claim 22, Shibao teaches the at least one of the first and second

 telecommunication devices is one of a mobile radio device, a mobile

telephone, a computer having a radio module and a wired telephone *(col. 10, lines 50-*

55).

As to claim 23, Shibao teaches the network is at least one of a public fixed line telephone network *(col. 10, lines 31-33 and 55)* and a mobile radio network which operating according to at least one of the Global System for mobile communication *(col. 11, line 11)* and UMTS.

Response to Arguments

Applicant's arguments, with regards to claims 13-24 filed 9/18/2008, have been fully considered but they are not persuasive.

On Double Patenting, Examiner, in an attempt to avoid drifting away from the spirit of the nonstatutory obviousness-type, respectfully reemphasizes that "a nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s)".

Applicant states (quoting):

"Claim 12 of '974 states that the multimedia object assigned to the determined reference number is transmitted to the second telecommunication device and the transmitted multimedia object is played back in the second telecommunication device. On the other hand, claim 13 of the present application transmits the determined reference number to the second telecommunication device and the multimedia object assigned to the transmitted reference number is identified in the telecommunication device. Then the identified multimedia object is played back in the second telecommunication device.

As disclosed in the Specification, Applicants arranges to have each object assigned to a reference number, say object X assigned to reference number Y,

examiner sees no difference in what attribute (X or Y) being sent over to the second

communication device. It still performs (plays) the same role and responsibility.

On 35 USC§ 102, Examiner gathers from the applicant's remark that the

following claims are the key concern that the applicant has expressed the traversal of

rejection (quoting)

> "Claim 13 recites:
> storing at least one multimedia object in the second
> telecommunication device, each multimedia object having a
> corresponding reference number;
>
> specifying an allocation map, having at least one data
> record, each indicating allocation of a specific call recipient to
> a specific reference number of a specific multimedia object;
>
> determining the corresponding reference number for
> the first telecommunication user when communicating with the
> second telecommunication user, using the allocation map;
>
> transmitting a call signal to the second telecommunication
> device, together with display information that is a function of
> the corresponding reference number; and
>
> playing by the second telecommunication device a
> corresponding multimedia object, included in the at least one multimedia object stored in the
> second telecommunication device and matching the corresponding reference number, based on
> the display information".

Applicant's reason for concern is as followed (quoting)

> "In Fig. 1, Shibao relates to the calling-party-information acquiring unit 93 in the calling party
> information server 9 stores calling party information C11 corresponding to a calling-end terminal
> station number A1 and a called-end terminal station number B1 and calling party information C21
> corresponding to a calling-end terminal station number A2 and a called-end terminal station
> number BI. The calling party information reproducing unit 52 in a called-end terminal station 5
> alerts the user to the reception of a call based on the calling party information C11 if the call
> comes from the terminal station 3 of the terminal station number A1 and on the calling party
> information C21 if the call comes from the terminal station3 of the terminal station number A2.
> See paragraph [0068].
>
> This labeling of calling party information does not indicate a reference number attached to a
> frame or bitmap because the reference to the calling party information is performed by the calling
> end terminal station number and the called end terminal station number. This combination of
> numbers is dedicated to only one calling party information and, therefore, a reference number is
> not provided and not necessary. Hence, Shibao does not anticipate a reference number.

Accordingly, claim 13 is not anticipated by Shibao and patentably distinguishes over the cited art".

Examiner respectfully begs the difference in understanding and interpretation of the prior art. In the field of multimedia communication, specifically when involves the communication of object and images, data structure, by protocol, is a key in managing the file, object and image. National Institute of Standard and Technology (NIST) defines data structure in brief as "An organization of information, usually in memory, for better algorithm efficiency, such as queue, stack, linked list, heap, dictionary, and tree, or conceptual unity, such as the name and address of a person.

Applicant does not specifically disclose the term "data structure". Let it be no doubt, however, to the ordinary skilled artisan that the applicant discusses it as a way to organize a list of objects, a plurality of objects, a mass of objects with reference number in such a structure, a table, a list or a map as applicant prefers to. Its purpose is simply to ensure for proper communication (sending and receiving correct object to the right destination) beside quality of service and resource/bandwidth saving.

Shibao discusses storing, displaying call information, and certainly objects in bitmap frame SEQUENTIALLY (par. 0052). Examiner understands objects being arranged in sequential order is labeled with a reference number or some form of representation. Furthermore, Shibao in a fancy way teaches storing animation and/or transmitting based on a combination of movement of each character or object. Here, the ordinary skilled artisan must recognize the essential of data structure taken place I this process of storing and transmitting.

From the software application perspective, operating means can only access and execute the program when there is a presence of the organization of object in list, directory, record, register or allocation table as prefers to by applicant.

The inherent nature of this technology is quite clear and present to an ordinary skilled artisan. Therefore, examiner respectfully maintains the original rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phung-Hoang J Nguyen/
Examiner, Art Unit 2614

/CURTIS KUNTZ/
Supervisory Patent
Examiner, Art Unit 2614